

REMARKS

Claims 6 through 10 are currently pending in the application.

Claims 1 and 5 have been canceled.

35 U.S.C. § 112 Claim Rejections

Claims 1 and 5 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants have canceled claims 1 and 5.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent 5,866,460 to Akram et al. in view of U.S. Patent No. 6,187,645 B1 to Lin et al.

Claims 1 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Akram et al. (U.S. Patent 5,866,460) in view of Lin et al. (U.S. Patent 6,187,645 B1). Applicants respectfully traverse this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Applicants assert that any combination of the Akram et al. reference and the Lin et al. reference fails to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 regarding the claimed invention of independent claim 6 because any combination of the cited prior art fails to teach or suggest all the claim limitations. Applicants assert that any

combination of the Akram et al. reference and the Lin et al. reference fails to teach or suggest the claim limitations of independent claim 6 calling for “forming a gate structure overlying the dielectric layer, the gate structure having a gate oxide layer formed on said dielectric layer, and a metal silicide layer formed on said gate oxide layer, said gate structure having a first sidewall and a second sidewall defining a first contact region, a channel region and a second contact region therewithin”, “forming first, second and third subregions within the second contact region, each subregion having a dopant concentration that different from that of the other two subregions, wherein forming said subregions comprises . . . forming a first single thin layer sidewall spacer of dielectric material overlying said second sidewall, said first single thin layer sidewall spacer formed by depositing a thin conformal layer of dielectric material over said substrate and etching to a predetermined thickness over said second sidewall for an annealing/oxidation step at an elevated temperature”, “forming a second single layer sidewall spacer overlying said first single thin layer spacer, said second single layer sidewall spacer having a thickness greater than said first single thin layer sidewall spacer”, “introducing a first dopant into the substrate to form said first subregion, said first subregion being generally aligned with said second single layer sidewall spacer”, “reducing the thickness of the second single layer sidewall spacer to form a third sidewall spacer having a thickness intermediate said first and second sidewall spacers”, “introducing a second dopant into the substrate to form said second subregion, said second subregion being generally aligned with the third sidewall spacer”, “substantially removing the third sidewall spacer”, and “introducing a third dopant into the substrate to form said third subregion, said third subregion being generally aligned with said second sidewall”. Applicants assert that any combination of the cited prior art merely teaches or suggests the prior art illustrated in drawing Fig. 1 of the Applicants’ disclosure modified using hindsight from the teachings of the Lin et al. reference as the cited prior art contains no suggestion therein for any modification of the Akram et al. reference.

Accordingly, independent claim 6 is allowable as well as dependent claims 7 through 10 therefrom.

ENTRY OF AMENDMENTS

The new claims 6 through 10 should be entered by the Examiner because such claims are supported by the Applicants' disclosure and clearly comply with the provisions of 35 U.S.C. § 132 as they do not add any new matter to the application.

CONCLUSION

Claims 6 through 10 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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